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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,478	06/07/2000	Yasuhiro Morii	50073-030	8907

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MCDERMOTT WILL & EMERY  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

EXAMINER

RUDE, TIMOTHY L

ART UNIT PAPER NUMBER

2871

DATE MAILED: 03/12/2003-

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/588,478

Applicant(s)

MORII, YASUHIRO

Examiner

Timothy L Rude

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's election without traverse of Group II (claims 15 and 16) in Paper No. 8 is acknowledged.

### *Claims*

2. Claims 15 and 16 are amended necessitating new grounds of rejection. The rejection of claims 15 and 16 under 35 U.S.C. 112, second paragraph, is withdrawn.

### ***Claim Rejections - 35 USC § 103***

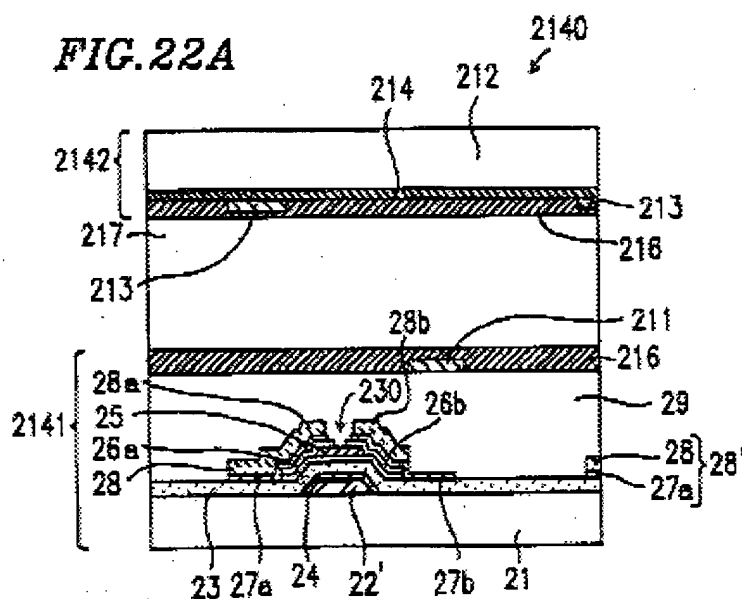
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al (Shimada) USPAT 5,852,485, in view of Yih USPAT 3,866,313.

As to claims 15 and 16, the structural limitations in these process claims only have patentable weight when they have a non-obvious impact on the process steps, which in general, can be used to make any of a large number of LCD devices with alternate structures. Shimada discloses in Figures 21, 22A, and 22B, the process of fabricating a liquid-crystal display (LCD) device (in-plane switching-type or conventional

type) which comprises; the fabrication of LCD substrate assemblies prior to filling with liquid crystal (Example 12, col. 31, line 66 through col. 36, line 6), comprising: a step of forming a first, substrate, 21, having plural electrodes that include a source line (Applicant's scanning signal line), 28', a Gate line (Applicant's image signal line), 22, a pixel electrode, 211, and an alignment layer, 216, all formed thereon, and a second substrate, 212, having a color filter, 214, a counter electrode also serving as a black matrix (Applicant's light-shielding film), 213, and an alignment layer, 216 all formed thereon.

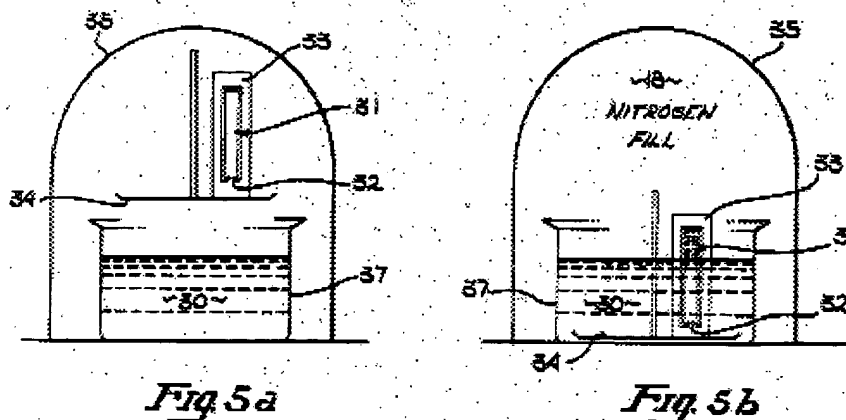


Shimada does not explicitly disclose forming a sealant between the two substrates and around the outer peripheries of the substrates in such a manner that it partly reaches the edges of the substrates to form an opening through which liquid crystal is to be injected into the space between the sealed substrates, and a step of setting the panel in a liquid crystal-injecting unit having therein a container filled with liquid crystal, evacuating both the liquid crystal-injecting unit and the panel, putting the

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opening of the panel into the liquid crystal in the container, thereafter restoring the liquid crystal-injecting unit to have an atmospheric pressure in that condition so that the liquid crystal is injected into the panel through its opening owing to the inner pressure difference between the unit and the panel, and finally sealing the opening of the panel in such a condition that the panel receives no external pressure.

Yih teaches in Figures 1-6 the steps of adhesive application, evacuation, filling, sealing, etc. (Figures 1-5b, and col. 2, line 41 through col. 4 line 52) comprising forming a sealant between the two substrates (col. 3, lines 20-35) and around the outer peripheries of the substrates in such a manner that it partly reaches the edges of the substrates to form an opening (col. 3, lines 23-28) through which liquid crystal is to be injected into the space between the sealed substrates, and a step of setting the panel in a liquid crystal-injecting unit (col. 4, lines 10-17) having therein a container filled with liquid crystal, evacuating both the liquid crystal-injecting unit and the panel, putting the opening of the panel into the liquid crystal in the container (col. 5, lines 26-31), thereafter restoring the liquid crystal-injecting unit to have an atmospheric pressure (col. 4, lines 13-19 and col. 5, line 32 through col. 6, line 5) in that condition so that the liquid crystal is injected into the panel through its opening owing to the inner pressure difference between the unit and the panel (col. 4, lines 15-17), and finally sealing the opening of the panel in such a condition that the panel receives no external pressure (col. 4, line 19) to complete LCD assembly without bubble formation.



Yih teaches forcing the liquid crystal into the LCD assembly by replacing the partial vacuum with a non-reacting gas (therefore at atmospheric pressure) (col. 6, lines 1-3). Yih teaches sealing after removal from the vacuum which would result in the panel receiving no external pressure (col. 4, lines 18 and 19), and Yih teaches sealing *after* removal of the LCD device from the liquid crystal material after filling (col. 6, lines 14-21), and that could not be accomplished without introducing a bubble (avoided by the process of Yih) if the inner pressure were any lower than atmospheric pressure, especially by as much as  $0.3 \text{ kgf/cm}^2$ .

Yih is evidence that ordinary workers in the art of liquid crystals would find the reason, suggestion, or motivation to use the adhesive application and fill techniques of Yih to complete LCD assembly with an internal pressure that is substantially equal to atmospheric pressure (within  $0.3 \text{ Kgf/cm}^2$ ) to avoid bubble formation.

Therefore, it would have been obvious to one having ordinary skill in the art of liquid crystals at the time the invention was made to modify the LCD fabrication process of Shimada with the sealing and filling process steps of Yih to avoid bubble formation.

***Response to Arguments***

4. Applicant's arguments filed on 04 December 2002 have been fully considered but they are not persuasive.

Applicant's ONLY arguments are as follows:

- (1) Shimada does not teach or suggest an in-plane switching-type LCD.
- (2) Yih does not provide for the deficiencies of Shimada regarding in-plane switching.
- (3) In contrast to Shimada in view of Yih, the instant invention uses a means to assure proper LC orientation by controlling the internal pressure of the panel as pressure rises to atmospheric pressure.
- (4) In contrast to Shimada in view of Yih, the instant invention sets the internal pressure to be not less than  $-0.3\text{kgf/cm}^2$  compared to atmospheric.

Examiner's responses to Applicant's ONLY arguments are as follows:

- (1) It is respectfully pointed out that Shimada discloses all the claimed structure, per rejections above.
- (2) It is respectfully pointed out that the structural limitations in process claims 15 and 16 only have patentable weight when they have a non-obvious impact on (and as evidenced by) the process steps, which in general, can be used to make any of a large number of LCD devices with alternate structures. It is also respectfully pointed out that the preamble is considered to add no further limitations because it does not result in a

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manipulative difference between the claimed invention and the prior art. Therefore, Yih is not needed to provide for any in-plane switching deficiency of Shimada.

(3) It is respectfully pointed out that there are no claimed pressure control steps that are not taught by Yih.

(4) It is respectfully pointed out that atmospheric pressure is not less than  $-0.3\text{kg/cm}^2$  compared to atmospheric.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Rude whose telephone number is (703) 305-0418. The examiner can normally be reached on Monday through Thursday.

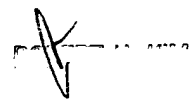
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7725 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.



Timothy L Rude  
Examiner  
Art Unit 2871

TLR  
March 10, 2003



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